

St. Mary's School - Rosebank
1124 Bay Street
Staten Island, NY 10305

IN THE MATTER OF: REQUEST FOR REVIEW BY ST. MARY'S SCHOOL
OF DECISION OF UNIVERSAL SERVICES ADMINISTRATOR
REF. FCC DOCKET NO. NOS. 97-21 & 96-45

Via Certified Mail
Return Receipt Requested

January 17, 2000

The Board of Director of the Administrator
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Rm. # TW-A325
Washington DC, 20554

RECEIVED
JAN 20 2000
FCC MAIL ROOM

Re: Application Number: 138588
Funding Request Numbers: 00213128
Funding Year: 1999

Gentlemen and Mesdames:

This is an appeal from the Administrators Decision on SPIN Change dated December 29, 1999, a xeroxed copy, of which is annexed hereto.

The basis of this appeal is that the 1999 471 SPIN Correction from UUNET (143004725) to AT&T (143001192) was made as per the instructions of SLD employee Baraka Mayhew and no contracts with UUNET were ever signed.

The 1999 471 for St. Mary's School - Rosebank was written and submitted prior to the network ever being constructed. Once we determined we did not need the large bandwidth T-3 access from UUNET (143004725) at \$16,298.35 / mo., but instead only needed T-1 access from AT&T (143001192) at \$3,000 / mo., we contacted the SLD to find the proper procedure to make this SPIN Correction. We spoke with Baraka Mayhew at the SLD (8/24/99) to say that we needed to make this correction. He said to fax a letter to him noting the change, which we did through John Hohmann (see attached fax). Having followed the instructions of the SLD we thought the matter was taken care of.

No. of Copies rec'd 0
List A B C D E

As we were acting under the direction of the SLD and with out contracts with UUNET ever being signed, we therefore urgently request that a SPIN change be granted from SPIN # 143004725 (UUNET) to SPIN # 143001192 (AT&T) for FRN 00213128.

Pursuant to your rules, the person to contact in respect to this matter (who has familiarity with all the facts) is the undersigned, i.e. Virginia Savarese, at telephone number (718) 447-1842.

Also, in accordance with your rules, I am sending a copy of this letter to Data Entry Correction, Schools and Libraries Division.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Ms. Virginia Savarese", written in dark ink.

Ms. Virginia Savarese
Principal

Encls. Fax dated 08/24/99, to Baraka Mayhew of the SLD requesting SPIN correction from UUNET to AT&T.

Administrator's Decision on SPIN Change, dated August 18, 1999

- c. Data Entry Correction, Schools and Libraries Division, Box 125 -
Correspondence Unit, 100 South Jefferson Road, Whippany, NJ 07981

USAC

UNIVERSAL SERVICE
ADMINISTRATIVE CO.

Box 125 - Correspondence Unit
100 South Jefferson Road
Whippany, New Jersey 07981

SCHOOLS AND LIBRARIES DIVISION

Administrator's Decision on SPIN Change

December 29, 1999

Ms. Virginia Savarese
St. Mary's School
1124 Bay Street
Staten Island, NY 10305

Re: Application Number: 138588
 Funding Request Numbers: 213128
 Funding Year: 1999

After thorough review and investigation of your letter seeking approval to change Service Provider Identification Number (SPIN) and service provider for the funding year listed above, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company has made the following determination on each Funding Request Number that was included in your inquiry for the above referenced Application Number.

Funding Request Numbers: FRN's listed above:
Decision on inquiry to change SPIN number and service provider: Denied

The following explanation is provided to inform you of the reason for our decision on these Funding Request Numbers.

The SLD has finalized its policy and procedures for considering requests from applicants to change SPINs and allow substitution of service providers. The only circumstances under which the SLD can approve such SPIN change requests are:

- Service provider refuses to participate in the E-rate program
- Service provider has gone out of business
- Service provider has breached its contract with the applicant

It has been determined that your situation did not fall into the above mentioned categories, therefore your request has been denied.

If, as a result of this decision, you decide to rescind your request to change service provider, you may do so by filling in the box below and faxing it to the number indicated. This will facilitate the processing of your application as originally filed. You will also need to file a Form 486 indicating the Service Start Date with the original service provider identified in your Form 471. However, please note that if you have already begun to receive services from the unapproved new service provider, no funds will be available from the E-rate program for that service provider.

Applicant Name: St. Mary's School
Application Number: 138588

If you feel further examination of your application is in order, you may file an appeal with the Federal Communications Commission, Office of the Secretary, 445 12TH Street, S.W., Room TW-A325, Washington, DC 20554. Before preparing and submitting your appeal, please be sure to review the FCC rules concerning the filing of an appeal of an Administrator's Decision, which are posted to the SLD Web Site at <www.sl.universalservice.org>. The appeal must be filed with the FCC no later than 30 days from the date of the issuance of this letter, in order for the appeal to be filed in a timely fashion.

Thank you for your continued patience and cooperation during the decision process.

Schools and Libraries Division
Universal Service Administrative Company

| | |
|---|--|
| Funding Request Number(s): | Original Service Provider (as listed in Form 471) and SPIN: |
| I hereby rescind my request to change the above named Service Provider. I will submit a Form 486 (to the address listed on the Form 486) indicating the above-named Service Provider and listing the Service Start Date. | |
| Print Name: | |
| Signature: | |
| Date: | |

Fax to: Schools and Libraries SPIN Change Team (973) 884-8217

NATIONAL BANDWIDTH, INC.

PO Box 687, Hyde Park, NY 12538

Phone 914.229.1414

Fax 914.229.0043

Nationalbandwidth.com

Facsimile Transmittal

To: Baraka Mayhew

Fax: 973-581-8759

From: John Hohmann

Date: 08/24/99

Re: St. Mary's School

Pages: Cover + 2

CC:

☐ Urgent

☐ For Review

☐ Please Comment

☐ Please Reply

☐ Please Recycle

Baraka:

Please find attached the requested invoice and breakout of work for St.

Mary's School - Rosebank (Billed Entity # 10333) in Staten Island.

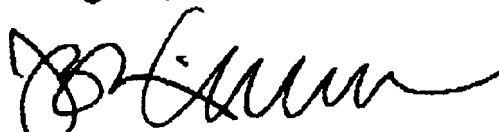
In addition, St. Mary's School wishes to change internet access providers
noted on the submitted 471 funding year 1999 from UUNET (143004725)

T-3 access at \$16,298.35 / mo. (\$201,582.80/yr.) to AT&T (143001192) T-

1 access at \$3,000.00/mo. (\$36,000.00/yr.). If there is any further

information, required, please don't hesitate to call.

Best regards,



John Hohmann

